

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	William M. Brandt	§ Art Unit:	2437
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Serial No.:	10/729,398	§ Confirmation No.:	8841
		§	
Filed:	12/05/2003	§ Examiner:	Techane Gergiso
		§	
For:	METHOD AND SYSTEM FOR PREVENTING IDENTITY THEFT IN ELECTRONIC COMMUNICATIONS	§ Atty. Dkt. No.:	200901436-1 (HPC.0831US)
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

The following sets forth Appellant's Reply to the Examiner's Answer dated November 25, 2009.

A. REPLY TO EXAMINER'S ANSWER REGARDING THE REJECTION OF CLAIMS 1, 6-10, 15-19

Claim 1 recites:

generating a report for presentation to the individual when at least one of the third parties requests access to information related to the consumer identifier.

As discussed in detail in the Appeal Brief on pages 6-8, columns 33 and 34 of Nordman that have been cited by the Examiner describe providing status information to a user in response to the request of the same user. This is completely different from generating a report for presentation to the individual when at least one of the third parties requests access to information related to the consumer identifier.

In the Response to Arguments section of the Examiner's Answer, the Examiner argued that the Examiner has taken the "broadest reasonable interpretation" of the claim language. Examiner's Answer at 11-12. The Examiner made the following assertion:

The claim is broad enough and it does not specify which entity in generating a report and in what condition or when does the generated report is presented to the consumer individual.

Examiner's Answer at 12. It is unclear what the relevance is of the above statement made by the Examiner. Claim 1 is specific in reciting that a report is generated for presentation **to the individual** when at least one of the **third parties requests access to information related to the consumer identifier**. The entity generating the report, the condition of the report, or when the report is generated is of little consequence to the claimed subject matter.

The Examiner also argued that the Examiner is considering the request of third parties for consumer information is made to "trusted services," citing to ¶ [0050] of the present application. This statement also is irrelevant to the claimed subject matter. Submission of the request to trusted services is not a limitation of the foregoing clause of claim 1, and citing to the specification of the present application to read limitations of the specification into the claim constitutes clear error. Claim 1 recites that, when at least one of the third parties requests access to information related to the consumer identifier, a report is generated for presentation to the individual. It does not matter who or what the request is made to.

The Examiner also made the following statement:

A report or status information about any request made to the trusted services by third parties regarding consumer information can be generated by trusted services.

Id. Again, the foregoing observation by the Examiner has no relevance to the claimed subject matter. There is absolutely no reference to "trusted services" generating a report in the foregoing

clause of claim 1, and reading limitations from the specification of the present application into the claim constitutes error.

The Examiner also made the following further assertion:

The generated report can also be presented to the consumer individual at least based on the consumer individual requesting for the generated report. Therefore, the trusted service generates the report and present it when the consumer individual request for it.

Id.

The Examiner appears to be rewriting claim 1 to equate “third parties” with “consumer individual.” Such rewriting of the claim language is clearly erroneous. Claim 1 unambiguously recites generating a report for presentation to the **individual** when at least one of the **third parties** requests access to information related to the consumer identifier. Claim 1 does not recite generating a report for presentation to the **individual** when the **individual** requests access to information related to the consumer identifier.

Adopting a “broad reasonable interpretation” of claim language does not mean that the Examiner is allowed to adopt any unreasonable interpretation such that express language of the claim can be rewritten to become meaningless. Equating “third parties” with the same “individual” as recited in claim 1 renders the differences between the two phrases meaningless, which is clearly indicative of an erroneous claim interpretation adopted by the Examiner.

The Response to Arguments section of the Examiner’s Answer cited the following additional passages of Nordman as purportedly disclosing the foregoing element of claim 1: column 10, lines 30-33; column 29, lines 27-39, 45-50; column 30, lines 15-20; column 3, lines 29-33; column 33, lines 36-50; column 34, lines 20-33. The cited column 10 passage of Nordman states that the supervising authority may monitor stored user information at a site and accordingly, directly or indirectly, enforce the rights management rules or monitor the use and maintenance of user information by the receiving party. The cited column 29 passage of

Nordman states that the supervising authority may inform the user of the user information or status information at a particular site (e.g., a receiving party) automatically upon predefined triggering events or upon a user request. However, this does not provide any teaching or hint of generating a report for presentation to the individual when at least one of the third parties requests access to information **related to the consumer identifier**, where the consumer identifier is generated for the individual by sequencing an encryption key transaction from a trusted service. Column 29 also notes that the privacy enforcement system may receive requests to access the user information and, accordingly, forward the request or the like to the supervising authority for approval. Nordman, 29:45-49. The supervising authority may then approve or deny the request based on the rights management rules and/or authentication of the receiving party. *Id.*, 29:49-51. The supervising authority approving or denying a request based on rights management rules and/or authentication of a receiving party is not the same as generating a report for presentation to the individual when at least one of the third parties requests access to information related to the consumer identifier generated by sequencing an encryption key transaction from a trusted service.

The passage of column 30, lines 15-20, of Nordman cited by the Examiner refers to exchanging third party certificates between two or more parties to verify that the parties are privacy enforcement certified. The cited column 3 passage (column 3, lines 29-33) of Nordman states that the supervising authority may inform the user with a status of the stored personal assets of the user or the status information may identify unauthorized access of the stored personal assets and/or accesses conducted by the party. The additional passages in columns 33 and 34 have already been addressed above.

None of the cited passages provide any hint of the “generating” element of claim 1.

As further argued in the Appeal Brief, Nordman fails to disclose the following element of claim 1:

allowing the individual to control which of the third parties that requested access can access information related to the individual.

In the Response to Arguments section of the Examiner's Answer, the Examiner cited the following additional passages of Nordman as purportedly disclosing the claimed feature: column 6, lines 50-60; column 29, lines 24-26; column 34, lines 45-55. Examiner's Answer at 14. The cited column 6 passage of Nordman states that a user device may control the privacy level of communications with another party, such as a service operator. However, adjusting the privacy level of communications with a service operator, as taught by this passage of Nordman, is different from allowing the individual to control which of the third parties **that requested access to information related to the consumer identifier** can access information related to the individual.

The passage in column 29, lines 24-26, of Nordman cited by the Examiner states that the supervising authority may change or update the user information and/or rights management rules. This is different from allowing the **individual** controlling which of the third parties that requested access can access information related to the individual.

The passage in column 34 (lines 45-55) of Nordman cited by the Examiner states that the supervising authority receives a request from a user to change, delete, and/or update user information. A request to change, delete, and/or update user information is completely different from allowing the individual to control which of the third parties that requested access can access information related to the individual.

In view of the foregoing, and in view of the arguments presented in the Appeal Brief, it is clear that claim 1 is non-obvious over Engberg and Nordman.

Independent claims 10 and 19 are also similarly non-obvious over Engberg and Nordman.

B. REPLY TO EXAMINER'S ANSWER REGARDING THE REJECTION OF CLAIMS 2-5, 11-14, 20

As discussed in the Appeal Brief, claim 2 is further allowable in view of the fact that claim 2 further recites:

verifying commercially related use of the consumer identifier, which comprises initiating a verification process from a requesting business entity via a secure connection, and comparing the consumer identifier with a predetermined set of database records using the consumer-defined sequence in response to initiating the verification process.

The Response to Arguments section of the Examiner's Answer further cited the following passages of Engberg as purportedly supporting the rejection: ¶¶ [0438] and [0491]. Paragraph [0438] of Engberg refers to the trusted party (TP) maintaining a database of specific VIDs and information to authenticate the VID towards COMPANY. Paragraph [0491] of Engberg states that a message is forwarded to COMPANY, which verifies signatures of VID and of TP. However, there is no hint in these passages of comparing the consumer identifier (equated by the Examiner with the VID) with a pre-determined set of database records **using the consumer-defined sequence** (maintained and generated by the individual) in response to initiating the verification process.

Claim 2 (as well as claims 11 and 20) and respective dependent claims are further allowable for the foregoing reasons.

C. CONCLUSION

In view of the arguments presented in the Appeal Brief and presented above, it is respectfully requested that all final rejections be reversed.

Respectfully submitted,

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